

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA :

CASE NO. 1:04 CR 494

Plaintiff :

JUDGE NUGENT

-vs- :

MOTION FOR NEW TRIAL

SHAUNA BERRY-SCOTT :

Defendant :

Now comes the Defendant, Shauna Berry-Scott, by and through her undersigned counsel Attorney Robert J. Rohrbaugh, II who pursuant to Rule 33 of the Federal Rules of Criminal Procedure moves this Honorable Court to vacate Defendant's conviction and order a new trial, in the above-captioned matter. Grounds for the herein motion are outlined more completely in the Memorandum of Law attached hereto.

Respectfully Submitted,

s. Robert J. Rohrbaugh, II  
ROBERT J. ROHRBAUGH II (=0071668)  
COUNSEL FOR DEFENDANT  
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4/12/08  
Motion Denied  
repeatedly told counsel for Def. that he could make arrangements to take statement and/or deposition of Counsel Kennedy. Counsel for Defense never took any such statement nor made any effort to obtain such statement. The Court then instructed the AUSA to have the FBI interview Kennedy under Brady to determine whether Defendants claims had any merit. The FBI interviewed Kennedy and he denied any involvement as claimed by Defendant. Therefore, trial was forwarded and Defendant chose NOT to subpoena Kennedy for trial. This is NOT newly discovered evidence under P.R.C. P.33 and motion is Denied.  
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